

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitchell A. Markow et al.

Serial No.: 09/259,852

Filed: March 1, 1999

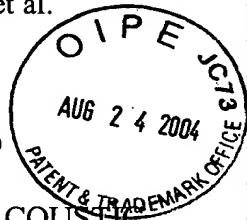
For: COMPUTER WITH ACOUSTIC
DRIVER BUILT INTO
ACOUSTICALLY LEAKY CHASSIS

Group Art Unit: 2644

Examiner: Mei, Xu

Atty. Docket: COMP:0039/FLE
200304297-1

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313



CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

August 19, 2004 *Christina Hartline*
Date Christina Hartline

RECEIVED

AUG 30 2004

Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

Technology Center 2600

I, Michael G. Fletcher, hereby declare as follows:

1. My residence, post office address, and citizenship are set forth below, adjacent my signature.
2. I am the attorney of record in the above-referenced application.
3. I have reviewed files related to the above-referenced application.
4. On information and belief, the inventors, Mitchell Markow and David Gough, conceived of the subject matter disclosed and claimed in the above-referenced application in the United States prior to the effective date (January 29, 1999) of the Derocher reference. This conception is evidenced by a letter prepared by Robert Groover, who was outside legal counsel for Compaq Computer Corporation, a redacted copy of which is attached hereto as Exhibit A.

5. On information and belief, Mr. Groover sent a draft application to Mr. Markow on January 6, 1999. This draft of the patent application is evidenced by the facsimile from Mr. Groover to the Mr. Markow, dated January 6, 1999, referencing file no. P98-2401 (the internal file number for the present application). A true and correct copy of this facsimile is attached hereto as Exhibit B.
6. On information and belief, Mr. Markow reviewed the patent application and provided revisions to the patent application to Mr. Groover. These revisions were incorporated into the patent application, and Allen Lineberry, an employee of Mr. Groover, sent the revised application to Mr. Markow on February 17, 1999, as evidenced by a facsimile that references the internal file number and is dated February 17, 1999. A true and correct copy of this facsimile is attached hereto as Exhibit C.
7. On information and belief, the patent application was finalized in accordance with the inventors' instructions, and patent attorney, Jerald Gnuschke, an associate of Mr. Groover, sent the application to Compaq Computer Corporation's employee, Diane Strong, for execution prior to the filing with the United States Patent and Trademark Office, as evidenced by a letter mailed from Jerald Gnuschke to the Diane Strong on February 26, 1999, a true and correct copy of which is attached hereto as Exhibit D.
8. On information and belief, Ms. Strong forwarded the application to the inventors for execution prior to the filing of the application with the United States Patent and Trademark Office on March 1, 1999.
9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements, and the like, are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/19/04

MS BA
Michael G. Fletcher

Declarant's Full Name: Michael G. Fletcher

Country of Citizenship: U.S.A.

Residence Address: 13907 Oak Spring Road
Cypress, Texas 77429

Business Address: Fletcher Yoder
P.O. Box 692289
Houston, Texas 77269-2289
281-970-4545